

FILED 08 AUG 26 13:55 USDC-ORP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TURNER CONSTRUCTION CO.,  
a foreign corporation,

Civil No. 08-610-AC

Plaintiff,

v.

ORDER

DORN-PLATZ PROPERTIES, INC.,  
a foreign business corporation, and DPP BEAVERTON  
COMMERCIAL INVESTMENTS LLC,  
a foreign limited liability  
company,

Defendants.

MARSH, Judge.

Magistrate Judge John V. Acosta filed his Findings and  
Recommendation on August 8, 2008. The matter is now before me.

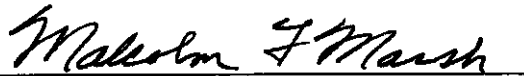
See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No

objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation #23. Plaintiff Turner Construction Co.'s Motion (#10) to remand is GRANTED; its alternative motion to dismiss is DENIED. Plaintiff's request for attorney fees is DENIED.

IT IS SO ORDERED.

DATED this 25 day of August, 2008.

A handwritten signature in black ink, reading "Malcolm F. Marsh", is written over a horizontal line.

Malcolm F. Marsh  
United States District Judge